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Arthur Smith, Jr.
The Honorable Jim Trobaugh



SEPTIC SYSTEMS SUBCOMMITTEE OF THE ENVIRONMENTAL QUALITY SERVICE COUNCIL

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Authority: P.L. 248-1996 (SEA 138)

MEETING MINUTES¹

Meeting Date:	October 19, 2000
Meeting Time:	10:00 A.M.
Meeting Place:	State House, 200 W. Washington St., Room 233
Meeting City:	Indianapolis, Indiana
Meeting Number:	4

Members Present: Sen. Beverly Gard, Chairperson; Sen. Kent Adams; Sen. Glenn Howard; Rep. Dale Sturtz; Rep. David Wolkins; David Benshoof; Randy Edgemon; Kerry Michael Manders.

Members Absent: Sen. Vi Simpson; Rep. Ron Herrell; Marvin Gobles; Gary Reding; Arthur Smith, Jr.; The Honorable Jim Trobaugh.

Senator Gard, Chairperson of the Septic Subcommittee of the Environmental Quality Service Council (Subcommittee), called the meeting to order.

The first person to testify was Steve Hogue from the Office of Wastewater Management of

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

the Environmental Protection Agency (EPA). Mr. Hogye stated the following concerning the role of the EPA with respect to septic systems:

*EPA recently completed proposed voluntary guidelines on the management of onsite wastewater systems, dealing with conventional septic systems and new technology in the field, including cluster systems and large onsite systems that serve commercial operations.

*EPA is putting more than \$30,000,000 into various efforts to improve septic systems, which have become a serious national issue.

*Approximately one-fourth of residences nationwide and one-third of all new construction are served by septic systems.

*Ten to thirty percent of approximately twenty-five million septic systems nationwide are failing, and in some cases are causing ground water and well water pollution in contravention of the goals of the Clean Water Act.

*Water pollution from septic system failures causes beach impairment, shellfish bed closures, pollution of well water resulting in disease, and impairment of water bodies.

*New technology provides more effective systems, permits small communities to consider decentralized systems rather than traditional central wastewater treatment, and affords flexibility and opportunity to channel growth.

*In 1997, Congress directed the EPA to study alternative systems, concerned about the gap between the available SRF funding and the identified need. Upon study, EPA found that onsite systems are potentially cost effective for long term operation if they are appropriately operated and maintained.

*Obstacles to improvement of systems include inadequate education on the benefits, local legislative and regulatory constraints, unfamiliarity of engineers with new technology, limited financial incentives for engineers to pursue new technology, and limited financial assistance available to local government.

*EPA has developed a Clean Water Action Plan to address non-point sources, including guidance on how onsite systems are to be managed. EPA is also conducting research, demonstrating new systems, and updating its technical design manual.

*EPA has established management goals and guidelines applicable to both new and existing systems for five different models, including conventional systems, permitted systems, and utility owned and operated systems.

*EPA is accepting comments on the draft guidelines until December 5, 2000.

*The Clean Water SRF Program has traditionally been used for large wastewater treatment systems, but has been expanded to include non-point source activities. There is increased usage of the program for decentralized onsite systems.

*The SRF Program provides loans, guarantees, and insurance, but not grants. Funds are available for new systems and upgrades, replacements, and modifications, and for establishing management programs.

*EPA offers non-point source grants through Section 319 of the Clean Water Act,

which can be used for onsite systems.

*In December, 1999, EPA adopted regulations phasing out large capacity cesspools and motor vehicle waste disposal wells, and will soon determine whether to regulate large capacity septic systems.

*Exhibit 1 is a paper copy of Mr. Hogye's slide presentation.

*In response to a question from Senator Gard, Mr. Hogye stated that the EPA activities he described are all in the realm of voluntary actions by affected persons and communities.

*Kerry Manders asked whether Section 319 money could be used to capitalize revolving funds for extension of sewers to areas that are not suitable for septic systems. Mr. Hogye responded that he believes that money could be available for this purpose, unless some unique feature of Indiana law would restrict the use.

*Pam Thevenow of the Marion County Health Department described the difficulty often encountered in Marion County in getting Barrett Law projects approved, given opposition by those affected homeowners without severe septic system problems who object to the cost. She indicated that EPA funding would be very useful to alleviate this problem. Mr. Hogye stated that the SRF is the major source of available funding.

*Glenn Pratt urged the EPA to place greater emphasis on the septic system problem, and take actions such as urging cities like Indianapolis to lay out plans that address not only combined sewer issues, but also septic system issues. Senator Howard stated his view that Indianapolis refused to address the combined sewer issues when problems were identified to the city by the EPA.

Senator Gard noted that the Department of Natural Resources forwarded to the EQSC the Final Report of the Indiana Lakes Management Work Group (Exhibit 2), which includes two recommendations (numbers 13 and 15) that deal with septic system issues. Efforts will be made to have a representative of the Work Group available at the next meeting of the Subcommittee on November 14, 2000, to address these recommendations. Also distributed to the Subcommittee were letters addressed to Senator Gard concerning septic system issues from the Elkhart County Health Department and Komark, Ltd. (Exhibits 3 and 4, respectively).

Senator Gard also gave notice that an additional meeting of the Subcommittee is scheduled for November 28, 2000 at 10:00 a.m. Senator Gard asked Subcommittee members to prepare legislative recommendations and to submit them as soon as possible to her or to Legislative Services Agency staff. Upcoming meetings will include discussion of legislative recommendations.

Next to testify was William Grant of the LaGrange County Health Department, who stated the following:

*Proper sewage disposal is a critically important public health issue. The importance of proper sanitation is evidenced by the fact that improved sanitation in the early 1900's, before the modern medical era, resulted in greatly improved public health and increased life expectancy.

*Septic systems are the primary cause of groundwater contamination in the country. There are approximately 10,000,000 cases of water borne disease in the country

each year, and approximately 60% are caused by contamination from septic systems.

*In LaGrange County, a leachate detector showed contamination from septic systems in waters along those portions of lake shores adjoined by residential lots served by septic systems. Residents of these areas should not swim in the lakes or drink the well water.

*Of the approximately 800,000 septic systems in Indiana, approximately 200,000 were installed under new rules. However, the problem remains, as contamination still emanates from new and old systems.

*It is a myth that soil removes all contamination from water flowing through the soil.

*One solution is to treat wastewater in onsite systems before it is disposed of in the ground. Another solution is to develop decentralized systems, which can be done at a reasonable cost. A decentralized system in LaGrange County would have cost approximately \$16,000,000, but was not supported by the public. Instead, a centralized sewage treatment system was installed at a cost of approximately \$33,000,000.

*Regional sewer districts should be established throughout the state. Local health departments should not be in the sewage treatment business, because they do not have the expertise or the funding, and are occupied in other areas.

*Guidelines and rules should be developed to govern the design, engineering, operation, maintenance, and management of sewage facilities.

*Rules should be changed regarding the permitting process to allow decentralization of treatment facilities and use of alternative technology.

*Funding alternatives should be expanded to develop new types of systems.

*We must admit that there is a problem before there can be a solution.

*Exhibit 5 consists of copies of materials from Mr. Grant's presentation.

Next to testify were Richard Wise and Jacqui Bauer of the Indiana Rural Community Assistance Program (RCAP), who stated the following:

*RCAP is a not-for-profit federally and state funded technical assistance provider program to assist communities of less than 10,000 population without charge in obtaining adequate water/wastewater and solid waste programs.

*RCAP's Unsewered Community Survey was administered by the Indiana State Department of Health (ISDH), with funding provided by the Indiana Department of Environmental Management (IDEM). The ongoing survey identified the top ten communities in each county that have sewage disposal problems and do not have collection sewers and central treatment. It also has identified communities contributing to impaired water bodies and polluting watersheds. Exhibit 6 is the Unsewered Community Survey Report.

*RCAP has prioritized communities identified in the survey for the purpose of providing technical assistance considering primarily onsite systems. A community ratings list (Exhibit 7) was developed using community criteria ratings. RCAP gets involved only with communities that seek their assistance.

*The survey shows that small communities, often characterized by low to medium income, represent a significant part of the problem. Most of the problem communities are unincorporated.

*Decentralized low cost alternatives must be considered. Programming is needed for monitoring, operation, maintenance, and inspections.

*Regulatory barriers to decentralization must be reduced. Small community self-help projects are needed to explore successful solutions in other communities, template the best of them, and encourage their use. Alternative funding sources are needed. Current funding is directed more toward large communities.

*RCAP is conducting numerous collaborative efforts to further wastewater treatment solutions.

*In response to a question from Senator Gard as to what numeric level in the community ratings represents a problem, Ms. Bauer responded that the highest numbers are the worst, but that there is no cut-off. Senator Gard also asked about the significance of shaded parts of the chart. Mr. Wise responded that communities that failed to respond to RCAP inquiries are shaded. Also, yellow highlighting shows communities that have undertaken a variety of favorable activities.

* Exhibit 8 is a paper copy of the slide presentation of Mr. Wise and Ms. Bauer.

Next to testify was Gary Chapple of the Indiana Environmental Health Association Wastewater Management Committee, who stated the following:

*The Association is made up of professionals encompassing all areas of environmental health. The Committee is made up of members of local health departments and representatives from ISDH, IDEM, RCAP, Purdue University, and industry.

*Committee concerns include improving public health conditions; improving uniformity of design, construction, maintenance, and regulation; improving quality of construction, continuing education, and system maintenance; and implementing a standard statewide testing program.

*Public health is adversely affected by failing septic systems and illegal discharges, which contribute to groundwater contamination and transmission of disease.

*Additional training is needed in the design, installation, and inspection of systems. Processes are needed to ensure better quality of construction, better maintenance, and compliance with minimum standards by all counties.

*A statewide testing program would ensure that contractors are accountable and knowledgeable in system maintenance programs.

*Exhibit 9 is a paper copy of Mr. Chapple's slide presentation.

Next to testify was Joe Rowlett of the Indiana Regional Sewer District Association, who stated the following:

*Regional sewer districts are the wave of the future.

*Regional sewer districts work closely with county health departments to identify

problems, but those departments are understaffed, and typically have the resources to inspect only new systems.

*In response to a question from Representative Wolkins, Mr. Rowlett indicated that the Association assists regions attempting to form regional sewer districts by conducting informational seminars and workshops and providing information to the public about the benefits of forming regional districts.

*Senator Gard noted that an interim study commission is considering issues related to the formation of regional sewer districts.

*Kerry Manders commented that the public is resistant to efforts to improve wastewater treatment because of the fear of the costs. He recommended that one way to address this problem would be to extend the period over which Barrett Law payments are made. Senator Gard stated that she is proposing a bill for such an extension.

Senator Gard adjourned the meeting.